

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANGELA LAYTON,)
)
 Plaintiff,)
) Case No. _____
 v.)
)
 COOPER COMMUNITIES, INC.,)
)
 Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, the Defendant, Cooper Communities, Inc. (“Cooper Communities”), gives notice of the removal of the above-entitled action from the Circuit Court for Davidson County, Tennessee to this Court. Cooper Communities states the following grounds for removal:

1. On May 17, 2012, the Plaintiff, Angela Layton, filed this action against Cooper Communities in the Circuit Court for Davidson County, Tennessee.
2. A copy of all documents served upon Cooper Communities in this action is attached hereto as collective **Exhibit A**.
3. This removal is timely under 28 U.S.C. § 1446(b) because Cooper Communities filed this notice within 30 days of the date of service of Plaintiff’s Complaint.
4. This action is properly removable under 28 U.S.C. § 1441(a)-(b) because Plaintiff could have filed this action originally in this Court under 28 U.S.C. § 1332(a). Specifically, this is a civil action between parties whose citizenship is completely diverse, and the amount in controversy exceeds \$75,000.

(a) Plaintiff is a citizen and resident of Tennessee. See Ex. A, Compl. ¶ 1.

(b) Cooper Communities is a Delaware corporation with its principal place of business in Arkansas. Thus, Cooper Communities is not a citizen of Tennessee for purposes of 28 U.S.C. § 1332(c)(1).

(c) In her Complaint, Plaintiff alleges that she slipped and fell on “an unattended spill or leak” in a building located on West End Avenue in Nashville, Tennessee. Compl. ¶¶ 6-7. Plaintiff alleges that her fall was the result of Cooper Communities’ negligence. Compl. ¶¶ 9-19. Plaintiff alleges that she suffered “serious injury” as a result of her fall. Compl. ¶ 3. Plaintiff alleges that she is entitled to the following items of damages: (a) physical pain, both past and future; (b) emotional suffering and grief, both past and future; (c) health care expenses, both past and future; (d) loss of enjoyment of life; (e) permanent impairment and partial disability; (f) lost wages; (g) costs of this action; and (h) all other general relief allowed under Tennessee law. Compl. ¶ 19. In her prayer for relief, Plaintiff does not make a specific monetary demand, but instead requests a judgment against Cooper Communities “for compensatory damages in an amount to be determined by a reasonable jury.” Compl. ¶ 20.

(d) Based on the averments set forth in Plaintiff’s Complaint, it appears that the amount in controversy exceeds \$75,000.

5. Accordingly, because the Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), this action is properly removable under 28 U.S.C. § 1441(a)-(b).

6. Pursuant to 28 U.S.C. § 1446(d), Cooper Communities is filing a copy of this notice of removal with the Clerk of the Circuit Court for Davidson County, Tennessee and serving a copy of this notice on Plaintiff’s counsel.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: /s/ Russell B. Morgan

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Attorneys for Cooper Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is being served via United States Postal Service, postage prepaid, on the following:

Delain L. Deatherage, Esq.

DLAW

414 Union Street, Suite 905

Nashville, Tennessee 37212

on this the 20th day of June, 2012.

/s/ Russell B. Morgan

Russell B. Morgan